REMARKS

Reconsideration and allowance of the present patent application based on the following remarks are respectfully requested. Since this Amendment is being presented together with a Request for Continued Examination, entry of this Amendment is respectfully requested.

By this Amendment, claims 1, 10, 13, 18, 21, 26, 27, 29 and 32 are amended and claims 2 and 23 are cancelled without prejudice or disclaimer to the subject matter therein. Claims 1, 13, 18, 21, 26, 27, 29 and 32 are amended to recite the features of claim 2. Claim 10 is amended to correct a clerical error. No new matter has been added. Accordingly, after entry of this Amendment, claims 1, 3-22 and 24-32 will remain pending in the patent application.

Claims 1, 2, 4-8, 10-16 and 18-25 were rejected under 35 U.S.C. §102(e) based on Hartmaier *et al.* (U.S. Pat. No. 6,393,269) (hereinafter "Hartmaier"). The rejection is respectfully traversed.

Claims 2 and 23 are cancelled without prejudice or disclaimer, thus rendering moot the rejection of these claims.

Claim 1 recites a method comprising, *inter alia*, "using in the communication system access point names to define where and how to connect the user of the subscription; defining a first access point name for the first set of services; defining a second access point name for the second set of services; comparing the balance of the account with the first limit; selecting during connection activation an access point name to be used with this connection in response to the result of the comparison; selecting the first access point name when the balance of the account does not reach the first limit; and selecting the second access point name when the balance reaches the first limit."

It is respectfully submitted that there is nothing in Hartmaier that remotely discloses, teaches or suggests ***each and every limitation*** of claim 1, including the features identified above. To set forth a proper *prima facie* rejection, "the identical invention **must** be shown **in as complete detail as is contained in the ... claim**." (*See* MPEP §2131, citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989), emphasis added). MPEP §2131 also indicates that "the elements **must be arranged as required by the claim**." (*See* MPEP §2131, citing In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990), emphasis added). Hartmaier clearly does not meet these requirements.

By way of review, Hartmaier discloses a pre-paid subscriber account system for use with wireless telephone systems. (*See, e.g.*, col. 2, lines 8-26 of Hartmaier). The system of Hartmaier enables metering or billing the call remotely from the actual switching of the call. (*See, e.g.*, Abstract of Hartmaier). Monitoring may be made during calls. Hartmaier also discloses disconnecting a call when an account is depleted. (*See, e.g.*, col. 2, lines 8-26 of Hartmaier).

However, unlike claim 1, Hartmaier is silent as to "defining a first access point name for the first set of services; [and] defining a second access point name for the second set of services." The Office Action equates the Signaling Control Point 1 (SCP1) and Signaling Control Point 2 (SCP2) of Hartmaier with, respectively, the first access point name and the second access point name of claim 1. Respectfully, this is an entire mischaracterization of the teachings of Hartmaier. The cited portions of Hartmaier merely disclose that SCP1 and SCP2 of Hartmaier are a redundant pair of processors that perform the prepaid application. (*See, e.g.*, col. 3, lines 54-63 of Hartmaier). SCP1 and SCP2 are not access point names for, respectively, the first and second sets of services, nor are these SCPs access points for any types of services. Hartmaier does not discuss these aspects of claim 1. Accordingly, for at least this reason, claim 1 is patentable over Hartmaier.

Furthermore, unlike claim 1, Hartmaier is silent as to "selecting during connection activation an access point name to be used with this connection in response to the result of the comparison; selecting the first access point name when the balance of the account does not reach the first limit; and selecting the second access point name when the balance reaches the first limit." As noted above, the system of Hartmaier is a redundant system in which the same services are available via both access points. In such a system, and in contrast to claim 1, connection to any SCP is **not** made based on a result of the comparison between the balance of the account. Again, Hartmaier does not discuss these aspects of claim 1. Accordingly, for at least this additional reason, claim 1 is patentable over Hartmaier.

Claims 4-8 and 10-12 are patentable over Hartmaier at least by virtue of their dependency from claim 1 and for the additional features recited therein.

Claim 13 is patentable over Hartmaier for at least similar reasons as provided above for claim 1 and for the features recited therein. For example, claim 13 is patentable over Hartmaier at least because this claim recites a communication system "arranged to compare the balance of the account with the first limit, select an access point name to be used with this connection in response to the result of the comparison; select the first access point name

when the balance of the account does not reach the first limit, and select the second access point name when the balance reaches the first limit."

Claims 14-16 are patentable over Hartmaier at least by virtue of their dependency from claim 13 and for the additional features recited therein.

Claim 18 is patentable over Hartmaier for at least similar reasons as provided above for claim 1 and for the features recited therein. For example, claim 18 is patentable over Hartmaier at least because this claim recites a network node arranged to "associate a first access point name with a first set of services; and a second access point name with the second set of services, both sets of services defining services accessible via the subscription; compare the balance of the account with the first limit; select an access point name to be used with this connection in response to the result of the comparison; select the first access point name when the balance of the account does not reach the first limit; and select the second access point name when the balance reaches the first limit."

Claim 19 is patentable over Hartmaier for at least similar reasons as provided above for claim 1 and for the features recited therein. For example, claim 19 is patentable over Hartmaier at least because this claim recites a network node arranged to, *inter alia*, "associate a first access point name with a first set of services and a second access point name with the second set of services, both sets of services accessible via the subscription; communicate with a second network node; to compare the balance of the account with the first limit; select an access point name to be used with this connection in response to the result of the comparison; select the first access point name when the balance of the account does not reach the first limit; select the second access point name when the balance reaches the first limit; and to indicate to the second network node the selected access point name."

Claim 20 is patentable over Hartmaier at least by virtue of its dependency from claim 19 and for the additional features recited therein.

Claim 21 is patentable over Hartmaier for at least similar reasons as provided above for claim 1 and for the features recited therein. For example, claim 21 is patentable over Hartmaier at least because this claim recites a network node in a communication system providing a subscription, wherein, *inter alia*, "the network node is arranged to receive from the communication system an indication indicating the use of a certain set of services from among at least two different sets of services defined for the subscription, each set of said at least two different sets of services defining services accessible via the subscription and the indication of the set of services being received as an access point name used in the communication system to define where and how to connect the user of the subscription."

Claims 22 and 24 are patentable over Hartmaier at least by virtue of their dependency from claim 21 and for the additional features recited therein.

Claim 25 is patentable over Hartmaier at least because this claim recites a method of determining services accessible via a subscription having an account and at least a predetermined first limit in a communication system, the method comprising, *inter alia*, "maintaining definitions of at least a first set of services and a second set of services to be used with the subscription, each set of services defining services accessible via the subscription, the second set of services being a subset of the first set of services and comprising services which are not charged from the subscriber."

It is respectfully submitted that there is nothing in Hartmaier that remotely discloses, teaches or suggests ***each and every limitation*** of claim 25, including the features identified above. Applicant respectfully submits that the Examiner's bases for the rejection are woefully inadequate as they appear to ignore the claim language on its face.

For example, the Office Action refers to col. 2, lines 8-53, col. 7, lines 54-67, col. 8-, lines 1-34 and col. 10, lines 5-39 of Hartmaier as allegedly disclosing, teaching or suggesting the above identified features of claim 25. Applicant strenuously disagrees. None of the services disclosed in Hartmaier form different sets of services, much less different sets of services where one set of services is a subset of the second set. The description of the Call Rating in col. 10, lines 5-40 of Hartmaier does not disclose this configuration of sets of services either. This cited portion of Hartmaier merely discloses that "tolls for call origination to numbers like voicemail or customer service can be configured as toll free" and that "different rates may be applied to the same call, for example, first minute free, or reduced rate after 15 minutes of connect time." Thus, only a general remark relating to free minutes and available free numbers are given in the cited portion of Hartmaier. Having said this, the cited portions of Hartmaier do not disclose that "the second set of services [is] a subset of the first set of services and compris[es] services which are not charged from the subscriber," as recited in claim 25. Accordingly, for at least this reason, claim 25 is patentable over Hartmaier.

Claim 26 is patentable over Hartmaier for at least similar reasons as provided above for claim 1 and for the features recited therein. For example, claim 26 is patentable over Hartmaier at least because this claim recites a processor comprising program code configuring a network element in a communication system to "use access point names to define where and how to connect the user of the subscription and monitor the balance of the account; provide a subscription with an account and at least a first limit; associate a first

access point name with a first set of services; and a second access point name with the second set of services, both sets of services defining services accessible via the subscription; monitor the balance of the account, compare the balance with the first limit; select an access point name to be used with this connection in response to the result of the comparison; select the first access point name when the balance of the account does not reach the first limit; and select the second access point name when the balance reaches the first limit."

Claim 27 is patentable over Hartmaier for at least similar reasons as provided above for claim 1 and for the features recited therein. For example, claim 27 is patentable over Hartmaier at least because this claim recites a processor comprising "program code configuring a network element in a communication system to use access point names to define where and how to connect the user of the subscription and monitor the balance of the account; provide a subscription with an account and at least a first limit, monitor the balance of the account; associate a first access point name with a first set of services, and a second access point name with the second set of services, both sets of services defining services accessible via the subscription; communicate with a second network node; compare the balance with the first limit; select an access point name to be used with this connection in response to the result of the comparison; select the first access point name when the balance of the account does not reach the first limit; and select the second access point name when the balance reaches the first limit indicate in form of the selected access point name to the second network node which set of services from among at least two different sets of services defined for the subscription is the allowed set of services on the basis of said comparison."

Claim 28 is patentable over Hartmaier at least by virtue of its dependency from claim 27 and for the additional features recited therein.

Claim 29 is patentable over Hartmaier for at least similar reasons as provided above for claim 1 and for the features recited therein. For example, claim 29 is patentable over Hartmaier at least because this claim recites a processor comprising program code configuring a network element in a communication system to, *inter alia*, "provide a subscription, receive from the communication system an indication indicating the use of a certain set of services from among at least two different sets of services defined for the subscription, each set of said at least two different sets of services defining services accessible via the subscription and the indication of the set of services being received as an access point name used in the communication system to define where and how to connect the user of the subscription."

Claims 30 and 31 are patentable over Hartmaier at least by virtue of their dependency from claim 29 and for the additional features recited therein.

Claim 32 is patentable over Hartmaier for at least similar reasons as provided above for claim 1 and for the features recited therein. For example, claim 32 is patentable over Hartmaier at least because this claim recites a computer readable medium encoding a computer program of instructions for executing a computer process for determining services accessible via a subscription having an account and at least a first limit in a communication system, the process comprising, *inter alia*, "using in the communication system access point names to define where and how to connect the user of the subscription; defining a first access point name for the first set of services; defining a second access point name for the second set of services; comparing the balance of the account with the first limit; selecting an access point name to be used with this connection in response to the result of the comparison; selecting the first access point name when the balance of the account does not reach the first limit; and selecting the second access point name when the balance reaches the first limit."

Accordingly, reconsideration and withdrawal of the rejection of claims 1, 2, 4-8, 10-16 and 18-25 under 35 U.S.C. §102(e) based on Hartmaier are respectfully requested.

Claim 3 was rejected under 35 U.S.C. §103(a) based on Hartmaier in view of Sjodin *et al.* (U.S. Pat. No. 6,097,948) (hereinafter "Sjodin"). Claim 9 was rejected under 35 U.S.C. §103(a) based on Hartmaier in view of Joyce *et al.* (U.S. Pat. No. 6,320,947) (hereinafter "Joyce"). Claim 17 was rejected under 35 U.S.C. §103(a) based on Hartmaier in view of Barnes *et al.* (U.S. Pat. No. 6,711,147) (hereinafter "Barnes"). Applicant respectfully traverses these rejections because Hartmaier, Sjodin, Joyce and Barnes, taken alone or in combination, fail to disclose, teach or suggest all the features recited in the rejected claims.

Claims 3 and 9 are patentable over Hartmaier at least by virtue of their dependency from claim 1 and for the additional features recited therein. Neither Sjodin nor Joyce remedies the deficiencies of Hartmaier. Sjodin merely discloses a signaling firewall for communications between wireless networks, but is silent as to the features discussed above. Joyce merely relates to a method of providing pre-authorized communication services and/or transactions via a plurality of networks, including accepting and processing a request from a user to provide at least one of a communication service. However, Sjodin and Joyce fail to disclose, teach or suggest a method comprising, *inter alia*, "using in the communication system access point names to define where and how to connect the user of the subscription; defining a first access point name for the first set of services; defining a second access point name for the second set of services; comparing the balance of the account with the first limit;

selecting during connection activation an access point name to be used with this connection in response to the result of the comparison; selecting the first access point name when the balance of the account does not reach the first limit; and selecting the second access point name when the balance reaches the first limit", as recited in claims 3 and 9. As such, any proper combination of Hartmaier, Sjodin and Joyce cannot result, in any way, in the invention of claims 3 and 9.

Claim 17 is patentable over Hartmaier at least by virtue of its dependency from claim 13 and for the additional features recited therein. Barnes fails to remedy the deficiencies of Hartmaier. Barnes merely discloses a network, system and method for merging a packet service such as GPRS with a mobile IP. However, Barnes is silent as to a communication system "arranged to compare the balance of the account with the first limit, select an access point name to be used with this connection in response to the result of the comparison; select the first access point name when the balance of the account does not reach the first limit, and select the second access point name when the balance reaches the first limit", as recited in claim 17. As such, any proper combination of Hartmaier and Barnes cannot result, in any way, in the invention of claim 17.

In view of the foregoing, the claims are now believed to be in form for allowance, and such action is hereby solicited. If any point remains in issue which the Examiner feels may be best resolved through a personal or telephone interview, please contact the undersigned at the telephone number listed below.

The rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and a Notice to that effect is earnestly solicited.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

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